

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL

GENERAL NPDES PERMIT FOR DISCHARGES OF FILTER BACKWASH AND SEDIMENTATION  
BASIN WASHWATER FROM WATER TREATMENT PLANTS

- (1) Coverage under this general permit
  - (a) This permit addresses any new or existing discharges of filter backwash and/or sedimentation basin washwater from water treatment plants to waters of the State of Tennessee.
  - (b) This permit covers all areas of the State of Tennessee.
  - (c) This permit is a National Pollutant Discharge Elimination System (NPDES) general permit which is issued to be effective for a term of five years.
  - (d) Limitations on coverage
    - 1. The Division may deny a facility coverage under this permit if the construction of the facility began after the effective date of this permit and plans approval for the construction of the facility have not been obtained pursuant to Department rule 1200-4-2, Regulations for Plans Submittal, and Approval: Control of Construction: Control of Operation or if the construction precedes in violation of the plans.
    - 2. The Division may deny a facility coverage under this permit if an adequate treatment system for the treatment of filter backwash and sedimentation basin wastewater is not in operation at the facility.
    - 3. This permit does not apply to discharges that the Director determines are contributing to a violation of a water quality standard or to any person who discharges in violation of the Water Quality Control Act or the regulations promulgated thereunder.
    - 4. This permit prohibits coverage for new discharges into 303(d) listed waters for the particular parameters that are limited in this permit. If the Division intends to allow a new water treatment plant discharge into a 303(d) listed stream, the mechanism will have to be an individual permit.
  - (e) Notwithstanding the provisions of this permit, the Director may require any person to apply for and obtain an individual NPDES permit.
  - (f) When an individual permit is issued to a person otherwise subject to this general permit, the applicability of the general permit to the individual NPDES permittee is terminated on the effective date of the individual permit.
- (2) Authorization to discharge under this permit
  - (a) Except as provided in subparagraph (1)(d) above, if the Notice of Intent (NOI) is submitted as set forth in paragraph (4) below, a facility is permitted to discharge filter backwash and sedimentation basin washwater to waters of the State of Tennessee in accordance with the terms of this permit and of T.C.A. 69-3-108(b). Any such discharges not permitted under this permit or by an individual permit are unlawful under T.C.A. 69-3-108(b).

- (b) In order to obtain authorization to discharge under this permit, a facility must submit an NOI pursuant to paragraph (4). The Division may grant or deny coverage under this rule or require an application for an individual permit. Upon notice from the Division to the facility, the facility is covered under this general permit.

(3) Requesting termination of coverage

- (a) A facility shall request termination of coverage under this permit if discharges of filter backwash and sedimentation basin washwater to waters of the State of Tennessee have been eliminated.
- (b) The operator must submit facts in support of the request to terminate to the appropriate Water Pollution Control Environmental Assistance Center (EAC).
- (c) If the facility has eliminated discharges covered under this permit, the Division will transmit a notice of termination to the operator.

(4) Notice of Intent (NOI) requirements

(a) Format

An NOI shall be on the form provided in Appendix A of this permit.

(b) Deadlines

1. For a new facility, an NOI shall be submitted 120 days before any discharge of backwash or sedimentation basin washwaters.
2. For an existing and presently permitted facility, an NOI shall be submitted 120 days before the permit expires or in the case of a transfer of ownership, 120 days before the transfer.
3. For an existing facility that has already submitted to the Division of Water Pollution Control an individual NPDES application, the Division may consider the application as an NOI requesting coverage under this general permit.

(c) Who must sign the NOI

The NOI must be signed according to signatory requirements of subparagraph (11)(i) of this rule.

(d) Content of the NOI

The following information must be included in an NOI:

1. name, mailing address, existing NPDES permit number, and location of the water treatment plant (facility);
2. name of the owner or operator of the plant, mailing address, a facility contact person and phone number; the operator of the facility is the legal entity which controls the facility's operation rather than the plant operator or manager;

3. a facility location map which identifies and highlights the location of the facility and the waters receiving the discharge; the facility map must show boundaries which extend at least a one (1) mile radius beyond the plant property;
  4. the name of the waters receiving the discharge;
  5. a description of the plant, i.e. iron removal, manganese removal and/or turbidity removal; and a list of any additives used in the water treatment process, such as the type of coagulant, oxidizing enhancers, etc.;
  6. the design capacity of the treatment plant; the number and volume of sedimentation basins; and for existing plants, the average of finished water production over the 12 months prior to submission of the NOI;
  7. the source of the raw water; if surface water is used, include the distance the plant is located from the intake point; if the source is groundwater, include the number and depth of wells;
  8. the number of filters that are backwashed; the frequency and volume of backwashes; the frequency and volume of sedimentation basin washout; and for new facilities, the expected frequencies and volumes;
  9. the frequency and volume of discharges from the backwash settling basin to the stream; for new facilities, the expected frequency and volume;
  10. a description of how sludge from the settling processes is disposed, for example, landfill, land applied, etc.;
  11. type of treatment provided for backwash and sedimentation basin washwaters and the design capacity of the treatment system; and
  12. any additional information the Division may require.
- (e) An originally signed NOI and photocopy shall be submitted to the Water Pollution Control Environmental Assistance Center responsible for the county where the discharge is located, as shown below.

Fayette, Shelby and Tipton Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
MEMPHIS ENVIRONMENTAL ASSISTANCE CENTER  
2510 MT. MORIAH ROAD SUITE E-645  
MEMPHIS TN 38115-1511  
PHONE 1-(888) 891-8332  
FAX (901) 368-7979

Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakley Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
JACKSON ENVIRONMENTAL ASSISTANCE CENTER  
362 CARTHAGE HOUSE DRIVE  
JACKSON TN 38305  
PHONE 1-888 891-8332  
FAX (901) 661-6283

Cheatham, Davidson, Dickson, Houston, Humphreys, Robertson, Rutherford, Stewart,  
Montgomery, Sumner, Wilson, Wayne, Williamson, Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
NASHVILLE ENVIRONMENTAL ASSISTANCE CENTER  
537 BRICK CHURCH PARK DRIVE  
NASHVILLE TN 37243-1550  
PHONE 1 (888) 891-8332  
FAX (615) 650-7301

Bedford, Coffee, Lincoln, Marshall, Giles, Maury, Lewis, Hickman, Lawrence, Perry, Franklin,  
Moore Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
COLUMBIA ENVIRONMENTAL ASSISTANCE CENTER  
2484 PARK PLUS DR.  
COLUMBIA TN 38401  
PHONE 1-(888) 891-8332  
FAX (931) 380-3397

Clay, DeKalb, Fentress, Cannon, Cumberland, Jackson, Macon, Overton, Pickett, Smith,  
Putnam, Trousdale, Van Buren, Warren, White Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
COOKEVILLE ENVIRONMENTAL ASSISTANCE CENTER  
1221 SOUTH WILLOW AVE.  
COOKEVILLE TN 38506  
PHONE 1-(888) 891-8332  
FAX (931) 432-4015

Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
STATE OFFICE BUILDING SUITE 550  
540 MCCALLIE AVE  
CHATTANOOGA TN 37402-2013  
PHONE 1-(888) 891-8332  
FAX (423) 634-6389

Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2700 MIDDLEBROOK PIKE SUITE 220  
KNOXVILLE TN 37921  
PHONE 1-(888) 891-8332  
FAX (423) 594-6105

Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
900 NORTH STATE OF FRANKLIN ROAD  
JOHNSON CITY TN 37604-3621  
PHONE 1-(800) 891-8332  
FAX (423) 854-5401

(5) Administrative procedures for issuance of permits

- (a) The Division will review NOI's for completeness and accuracy. Except as provided in subparagraph (1)(d), a complete and accurate NOI shall be processed as described in subparagraphs (b), (c) and (d) below.
- (b) Within 90 days after the Division receives a complete and accurate NOI, the Division will transmit to the facility's operator a copy of the permit and a copy of the effluent limitations and conditions that the Division has determined apply to the facility and shall specify the effective dates of the permit. The Division will specify the effective date and expiration date of the facility's coverage under the permit. The term will normally begin on the first day of month following transmittal of the letter. The term shall last not more than five years.
- (c) If the applicant objects to the bases of the Division's determination, such as type of water plant, what stream, stream flow, discharge flow or other factor, the operator may request that the Division reassess these decisions. This request must be made within 15 days of the date of the transmittal letter.
- (d) If the applicant is dissatisfied with the Division's reassessment, then the applicant will have the option of applying for and obtaining coverage under an individual NPDES permit.

(6) Effluent limitations

- (a) Discharges covered by this rule must comply with the following numerical effluent limits, with the exception of subparagraph (b):

Total Suspended Solids -	40 mg/l as a daily maximum concentration
Settleable Solids -	0.5 ml/l as a daily maximum
pH -	6.0 standard units as a minimum 9.0 standard units as a maximum

Aluminum, total<sup>1</sup> -

the lower of either 10 mg/l or  $0.75 + \frac{(0.75 \times Q_s)}{Q_w}$  mg/l  
as daily maximum

Iron, total<sup>2</sup> -

the lower of either 10 mg/l or  $5.0 + \frac{(5.0 \times Q_s)}{Q_w}$  mg/l  
as a daily maximum

Total residual chlorine -

the lower of either 1.0 mg/l or  $0.02 + \frac{(0.02 \times Q_s)}{Q_w}$  mg/l  
as a daily maximum

<sup>1</sup> This limit applies to wastewater discharges from plants that use an aluminum-based coagulant.

<sup>2</sup> This limit applies to wastewater discharges from iron removal water treatment plants.

$Q_s$  refers to the 3-day, 20-year (3Q20) low flow of the stream into which backwash and washwaters are discharged. This term is defined in paragraph (9) below.

$Q_w$  refers to the discharge flow of backwash and washwater. This term is defined in paragraph (9) below.

(b) The following exception applies to the limits set forth in subparagraph (a):

For discharges to a stream with a 3Q20 low flow of zero, the pH limits are 6.5 standard units as a minimum and 9.0 standard units as a maximum.

(c) There shall be no distinctly visible floating scum, oil or other matter contained on or in the wastewater discharge.

(d) The wastewater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

(e) The wastewater discharge must not cause an objectionable color contrast in the receiving stream.

(f) Sludge or any other material removed by any treatment works must be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material must be in compliance with the Tennessee Solid Waste Disposal Act, T.C.A. 68-31-101 et seq. and the Tennessee Hazardous Waste Management Act, T.C.A. 68-46-101 et seq.

- (g) The permittee shall maintain a clean and orderly facility and shall manage the handling, storage and use of chemicals (process related, laboratory, cleaning products, etc) to prevent release of materials.

(7) Monitoring requirements

- (a) The measurement frequency for monitoring the parameters identified in paragraph (6) shall be once per month for each parameter, except the monitoring frequency for total residual chlorine shall be once per week if the total residual chlorine limit is less than or equal to 0.5 mg/l.
- (b) Flow shall be monitored once per month and shall be reported as a total daily flow.
- (c) Sample types shall be as follows, with the exception of subparagraph (d):
 

Flow	Instantaneous
Total suspended solids	Grab
Settleable solids	Grab
Total aluminum	Grab
Total iron	Grab
Total residual chlorine	Grab
pH	Grab
- (d) If the Division determines that a discharge will not accurately be characterized by grab samples, the Division may require the facility to sample by composite sample for total suspended solids, settleable solids, total aluminum and total iron. This requirement shall be given by written notice to the facility.
- (e) The Division may require the facility to sample for additional parameters, by either grab or composite sample. Such a requirement must be given to the permittee by written notice.

(8) Monitoring procedures

- (a) Representative sampling
 

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of discharges of filter backwash and sedimentation basin washwater. The samples and measurements shall be taken after treatment of the filter backwash and sedimentation basin washwater and prior to discharge to the receiving stream.
- (b) Test procedures
  1. Test procedures for the analysis of parameters shall conform to regulations published pursuant to Section 304(h) of the Clean Water Act, as amended.
  2. Unless otherwise noted in the rule, all parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act.
- (c) Recording of results

For each measurement or sample taken pursuant to the requirements of this rule, the discharger

shall record the following information:

1. the place, date, and time of sampling;
2. the person(s) collecting samples;
3. the dates and times the analyses were performed;
4. the person(s) or laboratory who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of all required analyses.

(d) Records retention

All records and information resulting from the monitoring activities required by this rule including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Division of Water Pollution Control.

(9) Definitions

- (a) The "daily maximum concentration" is a limitation on the average concentration, in milligrams per liter, of the discharge during any calendar day. When a proportional-to-flow composite sampling device is used, the daily concentration is the concentration of that 24-hour composite; when other sampling means are used, the daily concentration is the arithmetic mean of the concentrations of equal volume samples collected during any calendar day or sampling period.
- (b) For the purpose of this permit, a "calendar day" is defined as any 24-hour period.
- (c) A "composite sample," for the purposes of this rule, shall consist of three or more grab samples of equal volume taken at times that divide the discharge period from beginning to end into equal time intervals.
- (d)  $Q_s$  means the 3-day, 20-year (3Q20) low flow, determined by the Division, of the stream into which backwash and sedimentation basin wastewaters are discharged. This  $Q_s$  will be used in the equations in subparagraph (6)(a) and expressed in units of million gallons per day (MGD).

The 3Q20 flow will be statistically determined from U.S.G.S. stream flow data, if available. The stream low flow will be determined for the drainage area at the point of discharge.

If stream flow data are unavailable, the 3Q20 flow will be determined according to procedures in Regionalization of Low Flow Characteristics of Tennessee Streams, U.S. Geological Survey Water Resources Investigations Report 95-4293, Flow Duration and Low Flows of Tennessee Streams through 1996 or latest edition. The Division will identify and calculate drainage areas on U.S.G.S. 1:24,000 scale topographic maps.

- (e)  $Q_w$  means the flow, expressed in MGD, of discharges of backwash and sedimentation basin wastewater that is used in the equations in subparagraph (6)(a) to calculate permit limits. This flow will be one of the following:



1. the average of the discharge flows for the 12 months prior to submission of the NOI; this value must reflect actual discharges from the facility to the receiving stream (See parts 9. and 10. of the NOI requirements.); or
2. if the flows described in part 1. are unavailable, the flow  $Q_w$  will be equal to one of the following:
  - (i) 5% of the plant's finished water production (for the 12 months prior to submission of the NOI) plus the volume of the largest sedimentation basin; or
  - (ii) for facilities that cannot provide 12 months of water production values, 5% of the plant's design capacity plus the volume of the largest sedimentation basin.

(f) "Director" means the Director of the Tennessee Division of Water Pollution Control.

(10) Reporting

(a) Monitoring results

Monitoring results shall be recorded monthly and submitted monthly using Discharge Monitoring Report Forms supplied by the Division of Water Pollution Control. The Discharge Monitoring Report shall be postmarked no later than 15 days after the completion of the reporting period. The top two copies of each report must be submitted to the Division. A copy should be retained for the discharger's files. Discharge Monitoring Reports and any communication regarding compliance with the conditions of this rule must be sent to:

Division of Water Pollution Control  
 Attention: Compliance Review  
 L&C Annex, 6th Floor  
 401 Church Street  
 Nashville, Tennessee 37243-1534

The first Discharge Monitoring Report is due 15 days after the first complete month in the effective term of the permit.

Discharge Monitoring Reports must be signed and certified by a responsible corporate officer, as defined at 40 CFR 122.22, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative as set forth in subparagraph (11)(i). Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.

(b) Additional monitoring by discharger

If the discharger monitors any pollutant at the location(s) designated herein more frequently than required by this rule, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

(c) Falsifying reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in Section 69-3-115 of the Tennessee Water Quality Control Act and in Section 309 of the Federal Water Pollution Control Act.

(11) General provisions

(a) Renotification

The owner or operator is not authorized to discharge after the expiration date of the permit that is specified by the Division according to subparagraph (5)(b). In order to receive authorization to discharge beyond the expiration date, the discharger must submit an NOI in compliance with paragraph (4) at least 120 days prior to that expiration date.

(b) Right of entry

The discharger shall allow the Director, the Regional Administrator of the U.S. Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

1. to enter upon the discharger's premises where an effluent source is located or where records are required to be kept under the terms and conditions of this rule, and at reasonable times to copy these records;
2. to inspect at reasonable times any monitoring equipment or method or any collection, treatment, pollution management, or discharge facilities required under this rule; and
3. to sample at reasonable times any discharge of pollutants.

(c) Availability of reports

Except for data determined to be confidential under T.C.A. 69-3-113 of the Tennessee Water Quality Control Act, all reports submitted in accordance with the terms of this rule shall be available for public inspection at the offices of the Division of Water Pollution Control. As required by the Federal Act, operational data shall not be considered confidential.

(d) Proper operation and maintenance

The discharger shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the discharger to achieve compliance with the terms and conditions of this rule. Proper operation and maintenance also includes adequate laboratory and process controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a discharger only when the operation is necessary to achieve compliance with the conditions of the rule.

(e) Treatment facility failure

The operator, in order to maintain compliance with this permit, shall control water treatment plant processes, discharges or both, upon reduction in capacity, or failure, of the wastewater settling basins. Such controls shall be applied until the facility is restored or an alternative

method of treatment is provided. This requirement applies in such situations as the reduction, loss, or failure of the primary source of power.

(f) Property rights

This general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

(g) Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance, is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

(h) Other information

If the discharger becomes aware that he failed to submit any relevant facts in a Notice of Intent, or submitted incorrect information in a NOI or in any report to the Director, then he shall promptly submit such facts or information.

(i) Signatory requirements

1. An NOI submitted to the Director shall be signed as follows:

- (i) for a corporation: by a responsible corporate officer. For the purpose of this subpart, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (ii) for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (iii) for a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit or information submitted to the Director shall be signed by a person designated in part (i) 1 above or a duly authorized representative of such person, if:

- (i) the representative so authorized is responsible for the overall operation of the facility from which the discharge originated, e.g., a plant manager, superintendent or person of equivalent responsibility;

(ii) the authorization is made in writing by the person designated under part (i)1 above; and

(iii) the written authorization is submitted to the Director.

3. Any changes in the written authorization submitted to the Director under part 2 above which occur after the issuance of a permit shall be reported to the Director by submitting a copy of a new written authorization which meets the requirements of (i) parts 1 and 2 above.

4. Any person signing any document under parts 1 or 2 above shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(12) Changes affecting coverage under this permit

(a) Planned changes

The discharger shall give notice to the Director as soon as possible of planned physical alterations or additions to the permitted facility. Notice is required only when:

1. the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
2. the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this permit, nor to notification requirements under 40 CFR 122.42(a)(1).

(b) Change of ownership

If a facility is sold or transferred to a new owner or operator, the new owner or operator shall submit a new NOI in accordance with paragraph 4 of this permit.

(c) Change of mailing address

The discharger shall promptly provide to the Director written notice of any change of mailing address. In the absence of such notice the original address of the discharger will be assumed to be correct.

(d) Change in discharge flow

If data show the average of the discharge flows for a twelve month period since the date of the facility's coverage under this rule to be higher or lower than the flow  $Q_w$  used to calculate the facility's effluent limitations, the facility may submit such data and request it be used to specify new limits according to the procedure set forth in paragraph (6). The Division may grant or deny such request.

## (13) Noncompliance

## (a) Effect of noncompliance

All discharges shall be consistent with the terms and conditions of this permit. Any noncompliance constitutes a violation of applicable State and Federal laws and is grounds for enforcement action, for termination of coverage under the permit, for the Director to require an individual permit, or denial of permit reissuance.

## (b) Reporting of noncompliance

## 1. 24-Hour reporting

In the case of any noncompliance which would cause a threat to public drinking supplies, or any other discharge which could constitute a threat to human health or the environment, the permittee shall notify the Division of the noncompliance by contacting the appropriate Division field office within 24 hours from the time the permittee becomes aware of the circumstances. (The field office should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Director on a case-by-case basis. The permittee shall provide the Director with the following information:

- (i) a description of the discharge and cause of noncompliance;
- (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (iii) the steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

## 2. Scheduled reporting

For instances of noncompliance which are not reported under part (b) 1. above, the permittee shall report the noncompliance on the Discharge Monitoring Report. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

## (c) Bypassing

- 1. "Bypass" means the discharge of wastes from any portion of the collection or treatment system other than through the permitted outfall.
- 2. Bypassing is prohibited except where necessary to prevent loss of life or severe property damage, or where excessive storm drainage or runoff would damage treatment facilities.

## (d) Upset

1. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (i) an upset occurred and that the permittee can identify the cause(s) of the upset;
  - (ii) the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
  - (iii) the discharger submitted information required under "Reporting of noncompliance" within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days); and
  - (iv) the permittee complied with any remedial measures required under "Adverse impact."

## (e) Adverse impact

The owner or operator shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this rule, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## (14) Liabilities

## (a) Civil and criminal liability

Except as provided in this rule, nothing in this rule shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this rule, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of wastewater to any surface or subsurface waters. Additionally, notwithstanding this rule, it shall be the responsibility of the discharger to conduct its wastewater treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created.

## (b) Liability under State law

Nothing in this rule shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act, as amended.

(15) Placement of signs

The discharger shall place and maintain a sign(s) at the discharge outfall. The sign should be clearly visible to the public from the bank and the receiving stream. The minimum sign size should be two feet by two feet (2' x 2') with two inch (2") letters. The sign should be made of durable material and have a white background with black letters.

The sign is to provide notice that the discharge is regulated by the Tennessee Department of Environment and Conservation, Division of Water Pollution Control. The following is given as an example of the minimal amount of information that must be included on the sign:

TREATED WATER TREATMENT PLANT WASTEWATER  
(PERMITTEE'S NAME)  
(PERMITTEE'S PHONE NUMBER)  
NPDES PERMIT # \_\_\_\_\_  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
1 888-891-8332

State of Tennessee Department of Environment and Conservation/ Division of Water Pollution Control Appendix A,  
Form for Notice of Intent; Water Treatment Plant Discharge Permit.

Please type or print clearly. If a question refers to an activity or situation that does not exist at your facility, please indicate you have considered the question by typing NOT APPLICABLE. **Please answer all questions.**

1.	Name, existing NPDES permit no., mailing address and location of the water treatment plant.    County: _____
2.	Name of owner and operator of the plant, mailing address, a facility contact person and phone number; the operator of the facility is the legal entity which controls the facility's operation rather than the plant operator or manager.
3.	Attach a facility location map which identifies and highlights the location of the facility and waters receiving the discharge; the site map must show boundaries which extend at least a one mile radius beyond the plant property. <b>Location map required.</b>
4.	Name of the surface waters receiving the discharge (and mileage point if available).    Is receiving water 303(d) listed?
5.	A description of the plant, i.e. iron removal, manganese removal and/or turbidity removal; and a list of any additives used in the water treatment process, or added to finished such as the type of coagulant, oxidizing enhancers, etc.
6.	Design capacity of the treatment plant: _____ gallons per day (GPD).  Number: _____; and volume(s) of sedimentation basins: _____ gallons, _____ gallons, and _____ gallons.  Average of finished water production over the 12 months prior to submission of the NOI: _____ GPD.
7.	Source of the raw water:  Distance of the plant is located from the intake point, if surface supply is used: _____ Number and depth of wells, if the raw water supply is groundwater: _____



8.	Frequency and volume of filter backwashes and number of filters backwashed and the frequency and volume of sedimentation basin washout; for new facilities, the expected frequencies and volumes.  Number of filters backwashed: _____ How often is each filter backwashed? _____ times per week How much water is used in the backwash cycle for one filter? _____ gallons How often are sedimentation basin(s) washed out? _____ times per year How much water is used to wash out the larger sedimentation basin? _____ gallons Describe if necessary.
9.	Frequency and volume of discharges from the backwash settling basin to the stream; for new facilities, the expected frequency and volume. For existing facilities, give averages based on the last 12 months of discharge data. If the data are not available, indicate "not available."   Water is released from the backwash settling basin _____ times per week for the duration of _____ hours per release and a volume of _____ gallons per release. Describe more fully if necessary.
10.	Description of how sludge from settling processes is disposed; for example, landfill, land applied, etc.
11.	Type of treatment provided for backwash and sedimentation basin washwaters and the design capacity of the treatment system.

Certification and signature (to be signed by responsible corporate official such as president or vice-president)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Typed or printed name of signer: \_\_\_\_\_

This NOI shall be submitted to the Environmental Assistance Center (EAC) responsible for the county where the discharge is located, as shown in subparagraph (4)(e) of this permit.

**Environmental Assistance Centers - Division of Water Pollution Control - Addresses**

EAC Office	Street Address	Zip Code	EAC Office	Street Address	Zip Code
Memphis	2510 Mt. Moriah Road Suite E-645	38115-1511	Cookeville	1221 South Willow Ave.	38506
Jackson	362 Carriage House Drive	38305-2222	Chattanooga	540 McCallie Avenue Suite 550	37402-2013
Nashville	537 Brick Church Park Drive	37243-1550	Knoxville	2700 Middlebrook Pike Suite 220	37921
Columbia	2484 Park Plus Drive	38401	Johnson City	2305 Silverdale Road	37601